

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

AMF BOWLING CENTERS, INC.;
BOWLERO CORP.

Plaintiffs,

vs.

THOMAS TANASE,

Defendant.

§ CIVIL ACTION No. 3:23-cv-448

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ORDER

This matter is before the Court upon the Motion of Plaintiffs AMF Bowling Centers, Inc. and Bowlero Corp. (collectively, “Bowlero”) to Seal Portions of Complaint, Declaration, and Exhibits to Declaration in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Motion to Seal”) pursuant to Local Civil Rule 5. Having considered the Motion to Seal, and having determined that this action involves allegations requiring the disclosure of confidential information, this Court makes the following findings of fact and conclusions of law.

Findings of Fact

1. On July 12, 2023, Bowlero filed a Complaint against Defendant Thomas Tanase for violation of the Computer Fraud and Abuse Act, the Virginia Computer Crimes Act, trespass to chattels, and breach of contract. That day, Bowlero also filed Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (the “Injunction Motion”), along with various declarations and exhibits in support.

2. Simultaneous with the filing of its Complaint and Injunction Motion, Bowlero filed its Motion to Seal. In connection with the Motion to Seal, Bowlero also filed a Memorandum in Support of Motion to Seal and a Notice of Motion to Seal.

3. Bowlero seeks to seal Internet Protocol addresses (“IP addresses”) used to access the email account of Bowlero’s Founder and CEO, Thomas Shannon. Specifically, Bowlero seeks to redact an IP address listed in its Complaint at Paragraph 31, where Bowlero alleges that the IP address belongs to Defendant Thomas Tanase, a former Bowlero employee. Bowlero also seeks to redact the same IP address from paragraph 14 of the Declaration of Kevin Crossman (Exhibit 2) in support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (the “Crossman Declaration”). Lastly, Bowlero seeks to redact columns from each chart in Exhibits C and D attached to the Crossman Declaration. Exhibits C and D contain logs of IP addresses used to access Mr. Tanase’s and Mr. Shannon’s email accounts. They include IP addresses alleged to belong to Mr. Tanase, Mr. Shannon, and Bowlero.

4. The IP addresses that Bowlero seeks to redact contain personal identifying information. These IP addresses, if disclosed in a public record, would permit third parties to surveil Mr. Tanase’s, Mr. Shannon’s, and Bowlero’s internet usage. Courts in this Circuit routinely seal or redact similar personal identifying information. *See, e.g., Serrano v. Dep’t of Navy, Naval Med. Rsch. Ctr.*, 133 Fed. App’x 82 (4th Cir. 2005) (sealing “personal identifiers, including social security numbers, dates of birth, and financial information”); *see also Rothman v. Snyder*, 2020 WL 7395488, at *4 (D. Md. Dec. 17, 2020) (“It is well established that parties may properly redact private personal information, including home addresses, personal phone numbers, and email addresses.”).

Conclusions of Law

1. Local Civil Rule 5 supports the sealing of the portions of the Complaint and Exhibits that Bowlero has identified as containing personal identifying information.

2. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Trustees of Columbia Univ. in City of N.Y. v. NortonLifeLock, Inc.*, 2021 WL 8895279 (E.D. Va. Sept. 29, 2021) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)).

3. Bowlero has met the public notice requirement by filing a separate Notice of Motion to Seal for docketing. Public Notice of the Motion to Seal is satisfied by docketing the Notice of the motion “reasonably in advance of deciding the issue.” *See In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (cited by *Ashcraft*, 218 F.3d at 302).

4. Short of sealing portions of the Complaint, Declaration, and Exhibits, there are no less drastic alternatives that appropriately enable the parties to preserve personal privacy and make the arguments necessary to fully brief their position.

5. The third *Ashcraft* consideration is satisfied by the findings of fact and law in this Order.


6. Bowlero has filed sealed copies of portions of the Complaint, Declaration, and Exhibits with the Court and has sent or will send copies to all counsel in this action.

7. By only filing limited portions of the Complaint, Declaration and Exhibits under seal, Bowlero has employed all reasonable efforts to limit the materials sealed in connection with the underlying motion in compliance with the law of this Circuit and this Court.

THEREFORE, the Motion to Seal is GRANTED and it is ORDERED that:

1. The Clerk shall maintain under seal the portions of the Complaint referred to above;
2. The Clerk shall maintain under seal the portions of the Declaration of Kevin Crossman (Exhibit 2) in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction referred to above;
3. The Clerk shall maintain under seal the portions of Exhibits C and D of the Declaration of Kevin Crossman (Exhibit 2) in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction referred to above; and
4. The sealed materials shall remain sealed until final resolution of this matter and then be destroyed.

Date: July 21, 2023



/s/
Henry E. Hudson
Senior United States District Judge

WE ASK FOR THIS:

/s/ Randy C. Sparks, Jr.
Randy C. Sparks, Jr. (VSB No. 40723)
Catrina C. Waltz (VSB No. 98446)
KAUFMAN & CANOLES, P.C.
1021 East Cary Street, Suite 1400
Richmond, VA 23219
Phone: (804) 771-5700
Fax: (888) 360-9092
rcsparks@kaufcan.com
ccwaltz@kaufcan.com

Alex Spiro (NY Bar No. 4656542)
(*Pro Hac Vice* anticipated)
Hope D. Skibitsky (NY Bar No. 5362124)
(*Pro Hac Vice* anticipated)

Daniel Sisgoreo (NY Bar No. 5812417)

(Pro Hac Vice anticipated)

QUINN EMANUEL URQUHART
& SULLIVAN LLP

51 Madison Avenue, Floor 22

New York, NY 10010

Phone: (212) 849-7000

Fax: (212) 849-7100

alexspiro@quinnemanuel.com

hopeskibitsky@quinnemanuel.com

danielsisgoreo@quinnemanuel.com

Asher B. Griffin (TX Bar No. 24036684)

(Pro Hac Vice anticipated)

300 West 6th St., Suite 2010

Austin, TX 78701

Phone: (737) 667-6100

Fax: (737) 667-6110

ashergriffin@quinnemanuel.com

Michael Shaheen (DC Bar No. 997266)

(Pro Hac Vice anticipated)

1300 I Street NW

Washington, D.C. 20005

Phone: (202) 538-8000

Fax: (202) 538-8100

michaelshaheen@quinnemanuel.com

*Counsel for Plaintiffs AMF Bowling
Centers, Inc. and Bowlero Corp.*